

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

Plaintiff,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

**NOTICE FOR
DISCOVERY &
INSPECTION**

**Index No.: 08 CIV 3493
(NRB)**

TO: PLAINTIFF

PLEASE TAKE NOTICE, that pursuant to the Federal Rules of Civil Procedure, the defendant, CENTENNIAL ELEVATOR INDUSTRIES INC., demands that you produce and permit for discovery by the said defendant, the undersigned attorneys or others acting on their behalf, the following records, documents and things for inspection and reproduction:

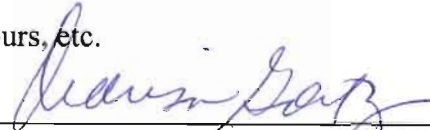
1. A certified copy of the transcript of Municipal Hearing held by the City of New York pertaining to the within action.

The above items are to be produced within thirty (30) days of receipt of this notice at the offices of FAUST GOETZ SCHENKER & BLEE, Two Rector Street, New York, New York 10006, where they shall be physically inspected and reproduced by the undersigned attorneys or others acting on their behalf.

Please be advised the defendant will object to the use of any discovery at the time of the trial of this action which has not been produced by any party pursuant to this notice or in the course of discovery.

Dated: New York, New York
July 14, 2008

Yours, etc.



FAUST GOETZ SCHENKER & BLEE

By: Marisa Goetz (MG 6582)

Attorneys for Defendant

CENTENNIAL ELEVATOR

INDUSTRIES INC.

Two Rector Street, 20th Floor

New York, New York 10006

(212) 363-6900

Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.

NEIMARK & NEIMARK LLP

Attorneys for Plaintiff

37 Congers Road

New City, New York 10956-5135

(845) 638-3012

(845) 638-3093-fax

File No.: W-334

Andrew Wiener

WEINER MILO & MORGAN

Attorneys for Defendant MTA

220 Fifth Ave., 10th Floor

New York, New York 10001

212-213-1220

212-889-5228-fax

File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

Plaintiff,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

**DEMAND FOR
PHOTOGRAPHS**

**Index No.: 08 CIV 3493
(NRB)**

TO: ALL PARTIES

PLEASE TAKE NOTICE, that pursuant to the Federal Rules of Civil Procedure, the defendant, CENTENNIAL ELEVATOR INDUSTRIES INC., demands that you produce and permit for discovery by the said defendant, the undersigned attorneys or others acting on their behalf, the following records, documents and things for inspection and reproduction:

1. Any and all photographs in possession of any party depicting the within accident/incident site and/or any injuries and/or damages and/or injuries claimed to have arisen out of the within accident/incident.

The above items are to be produced within thirty (30) days of receipt of this notice at the offices of FAUST GOETZ SCHENKER & BLEE, Two Rector Street, New York, New York 10006, where they shall be physically inspected and reproduced by the undersigned attorneys or others acting on their behalf.

Please be advised the defendant will object to the use of any discovery at the time of the trial of this action which has not been produced by any party pursuant to this notice or in the course of discovery.

Dated: New York, New York
July 14, 2008

Yours, etc.



FAUST GOETZ SCHENKER & BLEE

By: Marisa Goetz (MG 6582)

Attorneys for Defendant

CENTENNIAL ELEVATOR

INDUSTRIES INC.

Two Rector Street, 20th Floor

New York, New York 10006

(212) 363-6900

Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.

NEIMARK & NEIMARK LLP

Attorneys for Plaintiff

37 Congers Road

New City, New York 10956-5135

(845) 638-3012

(845) 638-3093-fax

File No.: W-334

Andrew Wiener

WEINER MILO & MORGAN

Attorneys for Defendant MTA

220 Fifth Ave., 10th Floor

New York, New York 10001

212-213-1220

212-889-5228-fax

File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

Plaintiff,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

**DEMAND FOR
ACCIDENT
REPORTS**

**Index No.: 08 CIV 3493
(NRB)**

TO: CO-DEFENDANT

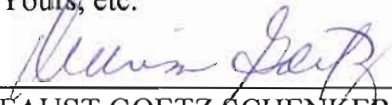
PLEASE TAKE NOTICE that the undersigned demands that pursuant to the Federal Rules of Civil Procedure, you serve upon her at the address set forth below:

1. Copies of all written reports of the accident or occurrence which is the subject of this lawsuit prepared in the regular course of business operations or practices of any person, firm, corporation, association, or other public or private entity.

PLEASE TAKE FURTHER NOTICE, that said items are to be served within ten (10) days from the date hereof.

Dated: New York, New York
July 14, 2008

Yours, etc.



FAUST GOETZ SCHENKER & BLEE

By: Marisa Goetz (MG 6582)

Attorneys for Defendant

CENTENNIAL ELEVATOR
INDUSTRIES INC.

Two Rector Street, 20th Floor
New York, New York 10006
(212) 363-6900

Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.
NEIMARK & NEIMARK LLP
Attorneys for Plaintiff
37 Congers Road
New City, New York 10956-5135
(845) 638-3012
(845) 638-3093-fax
File No.: W-334

Andrew Wiener
WEINER MILO & MORGAN
Attorneys for Defendant MTA
220 Fifth Ave., 10th Floor
New York, New York 10001
212-213-1220
212-889-5228-fax
File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

Plaintiff,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

**DEMAND FOR
COLLATERAL
SOURCE
INFORMATION**

**Index No.: 08 CIV 3493
(NRB)**

TO: PLAINTIFF

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure, you are required to produce for discovery and inspection at the offices of the undersigned within twenty (20) days of service of this demand the following:

1. A statement whether any part of the cost of medical care, dental care, custodial care, rehabilitation services, loss of earnings, or other economic loss sought to be recovered herein was replaced or indemnified, in whole or in part, from any collateral source such as insurance, social security, workers' compensation, employee benefits programs, etc.
2. If so, state the full name and address of each organization, program, or entity providing such replacement or indemnification.
3. An itemized statement of the amount in which each such claim of economic loss was replaced or indemnified by each organization, program or entity identified in (2) above.
4. Duly executed and acknowledged original written authorizations allowing us to obtain all such records.

PLEASE TAKE FURTHER NOTICE that, you are required to timely supplement your responses to the foregoing demands with any additional or further information which becomes known to you or your attorneys during this action.

PLEASE TAKE FURTHER NOTICE that, in the event you fail to comply with the foregoing demands, appropriate motions will be made to compel disclosure or preclude you from offering in evidence at trial any matter which is not disclosed by you in response to this demand, in addition to other remedies available to this party.

Dated: New York, New York
July 14, 2008

Yours, etc.



FAUST GOETZ SCHENKER & BLEE
By: Marisa Goetz (MG 6582)
Attorneys for Defendant
CENTENNIAL ELEVATOR
INDUSTRIES INC.
Two Rector Street, 20th Floor
New York, New York 10006
(212) 363-6900
Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.
NEIMARK & NEIMARK LLP
Attorneys for Plaintiff
37 Congers Road
New City, New York 10956-5135
(845) 638-3012
(845) 638-3093-fax
File No.: W-334

Andrew Wiener
WEINER MILO & MORGAN
Attorneys for Defendant MTA
220 Fifth Ave., 10th Floor
New York, New York 10001
212-213-1220
212-889-5228-fax
File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

Plaintiff,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

**DEMAND FOR
PRIOR COMPLAINTS**

**Index No.: 08 CIV 3493
(NRB)**

TO: ALL PARTIES

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure, you are required to produce for discovery and inspection at the offices of the undersigned within twenty (20) days of service of this demand the following:

1. All documents, including but not limited to correspondence, reports, records, memoranda, etc., with respect to the defective condition which is the subject of this litigation and which concerns the following:

- (a) any prior accident;
- (b) any Complaint made to anyone prior to the accident;
- (c) violation notices issued by a governmental agency;
- (d) clearance or satisfaction of any violation notice;

PLEASE TAKE FURTHER NOTICE that, you are required to timely supplement your responses to the foregoing demands with any additional or further information which becomes known to you or your attorneys during this action.

PLEASE TAKE FURTHER NOTICE that, in the event you fail to comply with the foregoing demands, appropriate motions will be made to compel disclosure or

preclude you from offering in evidence at trial any matter which is not disclosed by you
in response to this demand, in addition to other remedies available to this party.

Dated: New York, New York
July 14, 2008

Yours, etc.



FAUST GOETZ SCHENKER & BLEE
By: Marisa Goetz (MG 6582)
Attorneys for Defendant
CENTENNIAL ELEVATOR
INDUSTRIES INC.
Two Rector Street, 20th Floor
New York, New York 10006
(212) 363-6900
Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.
NEIMARK & NEIMARK LLP
Attorneys for Plaintiff
37 Congers Road
New City, New York 10956-5135
(845) 638-3012
(845) 638-3093-fax
File No.: W-334

Andrew Wiener
WEINER MILO & MORGAN
Attorneys for Defendant MTA
220 Fifth Ave., 10th Floor
New York, New York 10001
212-213-1220
212-889-5228-fax
File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

Plaintiff,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

**DEMAND FOR
EMPLOYMENT
RECORDS**

**Index No.: 08 CIV 3493
(NRB)**

TO: PLAINTIFF

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure, you are required to produce for discovery and inspection at the offices of the undersigned within twenty (20) days of service of this demand the following:

1. The names and addresses of all plaintiff(s)' employers for five (5) years prior to the accident and up to the present, including the dates of employment by each such employer;
2. Duly executed and acknowledged original written authorizations to allow us to obtain the complete employment records for the plaintiff(s) from each of the employers identified in (1) above;

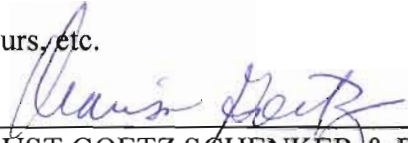
PLEASE TAKE FURTHER NOTICE that, you are required to timely supplement your responses to the foregoing demands with any additional or further information which becomes known to you or your attorneys during this action.

PLEASE TAKE FURTHER NOTICE that, in the event you fail to comply with the foregoing demands, appropriate motions will be made to compel disclosure or preclude you from offering in evidence at trial any matter which is not disclosed by you

in response to this demand, in addition to other remedies available to this party.

Dated: New York, New York
July 14, 2008

Yours, etc.


FAUST GOETZ SCHENKER & BLEE
By: Marisa Goetz (MG 6582)
Attorneys for Defendant
CENTENNIAL ELEVATOR
INDUSTRIES INC.
Two Rector Street, 20th Floor
New York, New York 10006
(212) 363-6900
Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.
NEIMARK & NEIMARK LLP
Attorneys for Plaintiff
37 Congers Road
New City, New York 10956-5135
(845) 638-3012
(845) 638-3093-fax
File No.: W-334

Andrew Wiener
WEINER MILO & MORGAN
Attorneys for Defendant MTA
220 Fifth Ave., 10th Floor
New York, New York 10001
212-213-1220
212-889-5228-fax
File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

X

Plaintiff,

-against-

EXPERT DEMAND

**Index No.: 08 CIV 3493
(NRB)**

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

X

TO: ALL PARTIES

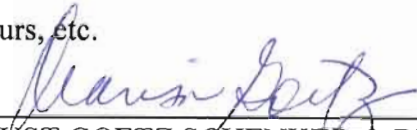
PLEASE TAKE NOTICE, that pursuant to the Federal Rules of Civil Procedure, you are hereby required to furnish the following information regarding each person you expect to call as an expert witness at the trial of this action:

1. The name and address of each and every expert witness.
2. The qualifications of each and every expert witness.
3. The subject matter on which each and every expert is expected to testify.
4. The substance of the facts on which each and every expert is expected to testify.
5. The substance of the opinion of each and every witness.
6. A summary of the grounds of each and every expert's opinion.

PLEASE TAKE FURTHER NOTICE that this demand shall be deemed a continuing demand up to, and including, the time of trial of this matter.

Dated: New York, New York
July 14, 2008

Yours, etc.



FAUST GOETZ SCHENKER & BLEE

By: Marisa Goetz (MG 6582)

Attorneys for Defendant

CENTENNIAL ELEVATOR
INDUSTRIES INC.

Two Rector Street, 20th Floor

New York, New York 10006

(212) 363-6900

Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.

NEIMARK & NEIMARK LLP

Attorneys for Plaintiff

37 Congers Road

New City, New York 10956-5135

(845) 638-3012

(845) 638-3093-fax

File No.: W-334

Andrew Wiener

WEINER MILO & MORGAN

Attorneys for Defendant MTA

220 Fifth Ave., 10th Floor

New York, New York 10001

212-213-1220

212-889-5228-fax

File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

Plaintiff,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

**DEMAND FOR
MAINTENANCE
RECORDS**

**Index No.: 08 CIV 3493
(NRB)**

TO: CO-DEFENDANT

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure, you are required to produce for discovery and inspection at the offices of the undersigned within twenty (20) days of service of this demand the following:

1. All documents, work tickets, work orders, log books, invoices, etc., regarding any maintenance, repair, inspection, modification, etc., of the subject elevator located at 341 Madison Avenue, New York, New York for one year prior to plaintiff's accident.

PLEASE TAKE FURTHER NOTICE that, you are required to timely supplement your responses to the foregoing demands with any additional or further information which becomes known to you or your attorneys during this action.

PLEASE TAKE FURTHER NOTICE that, in the event you fail to comply with the foregoing demands, appropriate motions will be made to compel disclosure or preclude you from offering in evidence at trial any matter which is not disclosed by you in response to this demand, in addition to other remedies available to this party.

Dated: New York, New York
July 14, 2008

Yours, etc.


FAUST GOETZ SCHENKER & BLEE
By: Marisa Goetz (MG 6582)
Attorneys for Defendant
CENTENNIAL ELEVATOR
INDUSTRIES INC.
Two Rector Street, 20th Floor
New York, New York 10006
(212) 363-6900
Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.
NEIMARK & NEIMARK LLP
Attorneys for Plaintiff
37 Congers Road
New City, New York 10956-5135
(845) 638-3012
(845) 638-3093-fax
File No.: W-334

Andrew Wiener
WEINER MILO & MORGAN
Attorneys for Defendant MTA
220 Fifth Ave., 10th Floor
New York, New York 10001
212-213-1220
212-889-5228-fax
File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

Plaintiff,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

**DEMAND FOR
MEDICAL RECORDS**

**Index No.: 08 CIV 3493
(NRB)**

TO: PLAINTIFF

PLEASE TAKE NOTICE that demand is hereby made that you serve upon the undersigned duly executed authorizations for the release of records pertaining to the care and treatment rendered to plaintiff in any and all hospitals.

Demand is additionally made for the production of the records of treating physicians and authorizations permitting the inspection of said records, together with a list of the names and addresses of all treating physicians.

Demand is additionally made for the production of medical reports of those physicians who have previously treated or examined the plaintiff and who will testify on his behalf. These shall include a detailed recital of the injuries and conditions as to which testimony will be offered at the trial, referring to and identifying those x-rays and technician reports which will be offered at the trial.

Demand is additionally made for all medical records, reports, charts, x-rays and tests (or duly executed authorization to obtain same), from any and all sources concerning the injuries, illness, physical or mental condition of plaintiff(s) as respects any injury, illness, physical or mental condition referred to in plaintiff(s) bill of

particulars, answers to interrogatories or examination before trial.

PLEASE TAKE FURTHER NOTICE that upon failure to comply with this demand, the plaintiff shall be precluded upon the trial of this action, from offering evidence or testifying as to any of the reports, records, or examinations demanded herein.

Dated: New York, New York
July 14, 2008

Yours, etc.


FAUST GOETZ SCHENKER & BLEE
By: Marisa Goetz (MG 6582)
Attorneys for Defendant
CENTENNIAL ELEVATOR
INDUSTRIES INC.
Two Rector Street, 20th Floor
New York, New York 10006
(212) 363-6900
Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.
NEIMARK & NEIMARK LLP
Attorneys for Plaintiff
37 Congers Road
New City, New York 10956-5135
(845) 638-3012
(845) 638-3093-fax
File No.: W-334

Andrew Wiener
WEINER MILO & MORGAN
Attorneys for Defendant MTA
220 Fifth Ave., 10th Floor
New York, New York 10001
212-213-1220
212-889-5228-fax
File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

Plaintiff,

**DEMAND FOR
STATEMENTS**

-against-

**Index No.: 08 CIV 3493
(NRB)**

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

TO: ALL PARTIES

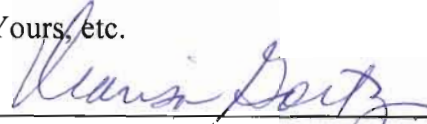
PLEASE TAKE NOTICE that the undersigned demands that you serve upon him at the address set forth below a copy of the statement of any party, agent, servant and/or employee of any party represented by the undersigned whether signed or unsigned or the transcript of any electronically recorded statement in accordance with the Federal Rules of Civil Procedure, within ten (10) days from the date of service of this demand.

PLEASE TAKE FURTHER NOTICE, that if said party is a corporation, the undersigned demands that you serve upon him a copy of a written statement, whether signed or unsigned, or the transcript of any electronically recorded statement of any officer, director, agent, servant or employee in accordance with the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE, that in the event of failure or refusal to comply with this demand, the defendant(s) shall seek preclusion of such evidence at the time of trial of this action.

Dated: New York, New York
July 14, 2008

Yours, etc.



FAUST GOETZ SCHENKER & BLEE

By: Marisa Goetz (MG 6582)

Attorneys for Defendant

CENTENNIAL ELEVATOR

INDUSTRIES INC.

Two Rector Street, 20th Floor

New York, New York 10006

(212) 363-6900

Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.

NEIMARK & NEIMARK LLP

Attorneys for Plaintiff

37 Congers Road

New City, New York 10956-5135

(845) 638-3012

(845) 638-3093-fax

File No.: W-334

Andrew Wiener

WEINER MILO & MORGAN

Attorneys for Defendant MTA

220 Fifth Ave., 10th Floor

New York, New York 10001

212-213-1220

212-889-5228-fax

File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

Plaintiff,

**DEMAND FOR
TAX RECORDS**

-against-

**Index No.: 08 CIV 3493
(NRB)**

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

TO: PLAINTIFF

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure, you are required to produce for discovery and inspection at the offices of the undersigned within twenty (20) days of service of this demand the following:

1. Complete tax records for the plaintiff(s) for a period of five (5) years preceding the occurrence herein and up to and including the present time;
2. If copies of tax records for the plaintiff(s) are not available, duly executed and acknowledged original authorizations, Internal Revenue Service Form 4506, directed to the undersigned for each year as set forth in (1) above will be accepted.

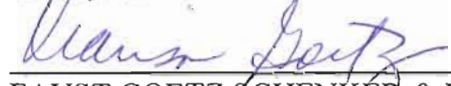
PLEASE TAKE FURTHER NOTICE that, in the event it is claimed that tax records are not available for a particular year, then you are requested to provide an affidavit signed by the party to that effect and setting forth the reason why such records are not available.

PLEASE TAKE FURTHER NOTICE that, you are required to timely supplement your responses to the foregoing demands with any additional or further information which becomes known to you or your attorneys during this action.

PLEASE TAKE FURTHER NOTICE that, in the event you fail to comply with the foregoing demands, appropriate motions will be made to compel disclosure or preclude you from offering in evidence at trial any matter which is not disclosed by you in response to this demand, in addition to other remedies available to this party.

Dated: New York, New York
July 14, 2008

Yours, etc.



FAUST GOETZ SCHENKER & BLEE

By: Marisa Goetz (MG 6582)

Attorneys for Defendant

CENTENNIAL ELEVATOR
INDUSTRIES INC.

Two Rector Street, 20th Floor

New York, New York 10006

(212) 363-6900

Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.
NEIMARK & NEIMARK LLP
Attorneys for Plaintiff
37 Congers Road
New City, New York 10956-5135
(845) 638-3012
(845) 638-3093-fax
File No.: W-334

Andrew Wiener
WEINER MILO & MORGAN
Attorneys for Defendant MTA
220 Fifth Ave., 10th Floor
New York, New York 10001
212-213-1220
212-889-5228-fax
File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

X

Plaintiff,

-against-

WITNESS DEMAND

**Index No.: 08 CIV 3493
(NRB)**

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

X

TO: ALL PARTIES

PLEASE TAKE NOTICE, that pursuant to the Federal Rules of Civil Procedure, plaintiff(s) and co-defendant(s) are required to serve upon and deliver to the undersigned, within ten (10) days from the date of service of this demand, the names and addresses of any and all witnesses to the occurrence complained of herein, whether or not obtained by investigation made after the date of the occurrence and regardless of how made.

PLEASE TAKE FURTHER NOTICE, that demand is also made for the names and addresses of any and all witnesses whose testimony will be relied on to prove the existence of a defective condition, whether or not obtained by investigation made after the date of the occurrence and regardless of how made.

PLEASE TAKE FURTHER NOTICE that demand is also made for the names and addresses of any witnesses concerning any admission allegedly made by any party.

PLEASE TAKE FURTHER NOTICE, that demand is also made for the name and last known place of residence or business of any person with information or knowledge of facts relevant to the incident(s) or occurrence(s) which is the subject of

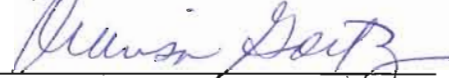
this litigation.

PLEASE TAKE FURTHER NOTICE, that this demand shall be deemed to continue during the pendency of the action including the trial thereof. In the event of failure or refusal to comply with this demand, the defendant(s) shall seek to preclude the testimony of any such witnesses.

PLEASE TAKE FURTHER NOTICE, that in the event of failure or refusal to comply with this demand, the defendant(s) shall seek preclusion of such evidence at the time of trial of this action.

Dated: New York, New York
July 14, 2008

Yours, etc.



FAUST GOETZ SCHENKER & BLEE

By: Marisa Goetz (MG 6582)

Attorneys for Defendant

CENTENNIAL ELEVATOR

INDUSTRIES INC.

Two Rector Street, 20th Floor

New York, New York 10006

(212) 363-6900

Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.
NEIMARK & NEIMARK LLP
Attorneys for Plaintiff
37 Congers Road
New City, New York 10956-5135
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File No.: 393020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT C. DEE,

Plaintiff,

-against-

METROPOLITAN TRANSPORTATION AUTHORITY
and CENTENNIAL ELEVATOR INDUSTRIES INC.,

Defendants.

X

**DEMAND FOR
WORKERS'
COMPENSATION
RECORDS**

**Index No.: 08 CIV 3493
(NRB)**

X

TO: PLAINTIFF

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure, you are required to produce for discovery and inspection at the offices of the undersigned within twenty (20) days of service of this demand the following:

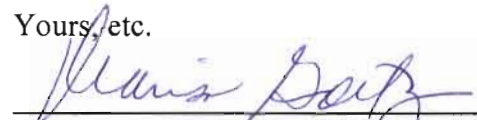
1. Duly executed original authorizations directed to the Workers' Compensation Insurance Carrier and the Workers' Compensation Board, to allow the undersigned to inspect, copy and obtain all Workers' Compensation records pertaining to the incident and injury alleged in the complaint.

PLEASE TAKE FURTHER NOTICE that, you are required to timely supplement your responses to the foregoing demands with any additional or further information which becomes known to you or your attorneys during this action.

PLEASE TAKE FURTHER NOTICE that, in the event you fail to comply with the foregoing demands, appropriate motions will be made to compel disclosure or preclude you from offering in evidence at trial any matter which is not disclosed by you in response to this demand, in addition to other remedies available to this party.

Dated: New York, New York
July 14, 2008

Yours, etc.



FAUST GOETZ SCHENKER & BLEE

By: Marisa Goetz (MG 6582)

Attorneys for Defendant

CENTENNIAL ELEVATOR

INDUSTRIES INC.

Two Rector Street, 20th Floor

New York, New York 10006

(212) 363-6900

Our File No.: 9322-BRAC

TO:

IRA H. LAPP, ESQ.

NEIMARK & NEIMARK LLP

Attorneys for Plaintiff

37 Congers Road

New City, New York 10956-5135

(845) 638-3012

(845) 638-3093-fax

File No.: W-334

Andrew Wiener

WEINER MILO & MORGAN

Attorneys for Defendant MTA

220 Fifth Ave., 10th Floor

New York, New York 10001

212-213-1220

212-889-5228-fax

File No.: 393020

STATE OF NEW YORK)
) ss:
COUNTY OF NEW YORK)

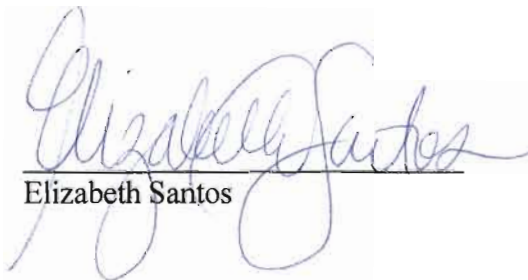
Elizabeth Santos, being duly sworn, deposes and says:

That I am not a party to the within action, am over 18 years of age and reside in Perth Amboy, New Jersey.

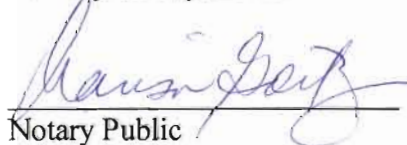
That on July 14, 2008, deponent served the within Combined Discovery Demands upon the attorneys and parties listed below by United States prepaid mail within the State of New York:

TO: IRA H. LAPP, ESQ.
 NEIMARK & NEIMARK LLP
 Attorneys for Plaintiff
 37 Congers Road
 New City, New York 10956-5135
 (845) 638-3012
 (845) 638-3093-fax
 File No.: W-334

Andrew Wiener
WEINER MILO & MORGAN
Attorneys for Defendant MTA
220 Fifth Ave., 10th Floor
New York, New York 10001
212-213-1220
212-889-5228-fax
File No.: 393020


Elizabeth Santos

Sworn to before me this
14th day of July, 2008.


Notary Public

MARISA GOETZ
NOTARY PUBLIC STATE OF NY
NO 02G06121680
QUALIFIED IN NY COUNTY
COMMISSION EXPIRES 2011